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Chairman: Mr. Al-Hinai ..... (Oman)

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The meeting was called to order at 3.10 p.m.

Agenda item 116: Programme of activities of the International Decade of the World's Indigenous People (*continued*) (A/C.3/56/L.30)

Draft resolution A/C.3/56/L.30 entitled "International Decade of the World's Indigenous People"

1. **Mr. Hahn** (Denmark), introducing the draft resolution on behalf of the sponsors, made one minor correction to the English version and said that Austria, Greece, Italy and Venezuela wished to add their names to the list of sponsors. The sponsors hoped that the draft resolution would be adopted by consensus.

Agenda item 118: Right of peoples to self-determination (*continued*) (A/56/224, 295 and A/56/462-S/2001/962)

2. **Mr. Bhattacharjee** (India) said that India had always supported the legitimate right of peoples to self-determination and its application to peoples under colonial or alien domination, as defined by the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted by General Assembly resolution 1514 (XV).

3. Attempts were still being made to reinvent some of the basic principles of the Declaration and of the Charter of the United Nations and to apply them selectively for narrow political ends, unmindful of the possible adverse consequences for international peace and security. Those who sought to reinterpret such principles should recall that Article 1, paragraph 2, of the Charter specified a single "principle of equal rights and self-determination of peoples" and Article 2, paragraph 4, stipulated that Members States should refrain from the threat or use of force against the territorial integrity or political independence of any State. Thus, self-determination should not be distorted and misinterpreted as a right of any one group, based on ethnicity, religion or racial criteria, to try and undermine the sovereignty and territorial integrity of a State.

4. The statement by the Special Rapporteur on the question of the use of mercenaries had underscored the links between fundamentalism, mercenary activities and terrorism fuelled by criminal activities. His delegation agreed that the question of mercenary activities in terrorism should be examined, and urged the Special Rapporteur to look at such activities coupled with religious or ideological motives aimed at the destruction of sovereign and independent States.

5. **Mr. Ahmad** (Pakistan) said that the right to self-determination was a universally-recognized right that was a prerequisite for the full enjoyment of all human rights, and many nations had emerged by exercising that immutable right. Indeed, since the Second World War, more than three-quarters of mankind had gained their freedom and there had been a threefold increase in the number of independent countries.

6. Nevertheless, millions of people were struggling to attain their freedom and were still deprived of their right to self-determination, while Security Council resolutions upholding that right remained unimplemented. Regrettably, attempts had been made to equate such legitimate struggles for freedom with terrorism and to nullify the legitimacy of the just cause of peoples under foreign occupation.

7. Kashmir and Palestine offered two outstanding instances of the violation of the inalienable right to self-determination. In Palestine, the spiralling cycle of violence and the coercive measures against the Palestinian people underlined the need for the international community to facilitate an early resolution of the matter. His delegation hoped that the peace process would soon be resumed and lead to the establishment of an independent Palestinian state. Similarly in Kashmir, the continued denial of the right to self-determination by the occupying Power had compelled the population to undertake a legitimate freedom struggle. Security Council resolutions affirming the right to self-determination of the Kashmiri people had remained unimplemented, and that was unacceptable. The international community should urge India to end its campaign of repression against the Kashmiri people and abandon its effort to impose a military solution on Kashmir. India should be persuaded to adopt the path of dialogue and peace, and to work with Pakistan towards a solution that respected the wishes of the Kashmiri people; that, in turn, would enable the Kashmiris to focus their energies on socio-economic development in an environment of peace and security.

8. The United Nations, together with the international community, should uphold the cardinal principle of self-determination and combat terrorism in all its forms, including State terrorism. It was

necessary to rise above narrow political expediencies and take concrete measures to root out the causes of violence and injustice in all parts of the world.

9. **Mr. Shinkaiye** (Nigeria) said that, coming from a subregion that was vulnerable to the activities of mercenaries, his delegation attached great importance to the effective guarantee and observance of the right of peoples to self-determination and was concerned by the use of mercenaries to impede that right. In that respect, it was regrettable to learn from the report of the Special Rapporteur on the question of the use of mercenaries (A/56/224), that the practice had expanded and assumed new forms in the armed conflicts in Africa. The involvement of mercenaries had destroyed the lives of thousands of Africans, threatened government stability and denied control of petroleum and mineral resources.

10. In his report, the Special Rapporteur had referred to several African countries where conflicts appeared to revolve around the control of natural resources. As a consequence, there were some who profited from such armed conflicts, and the international community should investigate the possible complicity of those who benefited from illicit trafficking.

11. Some private security firms, which hired out military services, went beyond merely providing military advice and assistance and became involved in acts that were detrimental to peace and respect for human rights. His delegation supported the recommendation that States should incorporate legislation prohibiting the use of their territories for the recruitment, use, financing and training of mercenaries.

12. The report had also revealed the possible link between terrorism and mercenary activities and his delegation endorsed the recommendation that mercenary aspects be reflected in United Nations analysis, follow-up and resolutions on terrorism. It also supported the recommendation to convene a second expert meeting to propose a new legal definition of mercenary and the more complex phenomenon of mercenarism.

13. **Ms. Al Haj Ali** (Syrian Arab Republic) said that her country had actively supported the struggle for the liberation of peoples subjected to colonial domination and foreign occupation and their exercise of the right of self-determination, a sacred right guaranteed by the Charter of the United Nations and reaffirmed by the Declaration on decolonization and the International Covenants on Human Rights.

14. The United Nations, despite its considerable achievements in that area and the volumes of resolutions on the Arab-Israeli struggle adopted by its various organs, had not managed to enable the Palestinian people to exercise their legitimate right of self-determination, owing to Israel's expansionist policies, its constant and flagrant violations of the Charter and international law, its rejection of the relevant United Nations resolutions and the absence of sufficient international pressure to ensure Israeli compliance. Israel still continued its oppressive settlement policies aimed at changing the demographic structure of the occupied Arab lands by summoning Jewish settlers from various parts of the world to take the place of the Palestinians. Yet the United Nations still stood helpless in the face of those abusive practices.

15. Security and stability in the Middle East, a region that served as a yardstick for measuring international peace and security, would not be achieved so long as the Palestinian people were deprived of their right of self-determination and prevented from creating an independent State on their national soil, with Jerusalem as its capital. Peoples must persist in their struggle for their fundamental rights, including the right of self-determination and the right to resist occupation, until they obtained them.

16. **Ms. Samah** (Algeria) said it was to be hoped that the launching of the Second International Decade for the Eradication of Colonialism (2001-2010) would achieve its aim of removing the intolerable stigma of colonialism.

17. Referring to the heroic struggle of the Palestinian people for the right to establish a national State, she stressed that the new wave of repression against that people must be condemned and that the occupying Power must be required to conform to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War.

18. The Saharan people were also fighting for the right to self-determination, and in Western Sahara the international community — and the United Nations and the Organization of African Unity in particular — was committed to seeking a just solution to that conflict in accordance with United Nations principles on decolonization. The settlement plan of 1991, between

the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO), endorsed by the General Assembly in resolution 46/67 and by the Security Council in resolutions 658 (1990) and 690 (1991), had enabled progress to be made towards the holding of a referendum on the self-determination of the Saharan people. That process had, however, been blocked for more than a year and a half. Her Government believed that the comprehensive implementation of the settlement plan and subsequent agreements was the only way to end the problem. Any initiative to that end must be in strict accordance with the relevant provisions of international law, to which the United Nations remained committed in the context of the decolonization of Western Sahara.

19. It was to be hoped that the strength and resources needed to topple the last bastions of colonialism would be found and the principle of self-determination fully implemented for peoples still under the yoke of foreign occupation.

20. **Mr. Loulichki** (Morocco), speaking in exercise of the right of reply, said that he wished to remind the representative of Algeria that the question of Western Sahara was in the hands of the Security Council, whose resolution 1359 (2001) reflected the findings of the Secretary-General and his Personal Envoy in their last three reports. Since the settlement plan had reached an impasse, due to insurmountable difficulties in its implementation, the Security Council's current concern was to find a peaceful and lasting solution to the dispute. It had therefore invited the Government of Algeria to comment on the draft Framework Agreement on the Status of Western Sahara submitted by the Personal Envoy of the Secretary-General (S/2001/613, annex I) to negotiate such a solution; a reply was awaited. Meanwhile, his Government wished to reiterate its willingness to continue discussions with all parties concerned.

21. **Mr. Benmehidi** (Algeria), speaking in exercise of the right of reply, said that he would like to place in context the facts put forward by the delegation of Morocco. Morocco had occupied Western Sahara since 1975. Together with the Frente POLISARIO, it had agreed on a settlement plan in 1991 for holding a referendum on the right of the Saharan people to self-determination; that right had been recognized by the Commission on Human Rights, the Security Council and other United Nations bodies. Security Council resolution 1359 (2001) indicated the United Nations commitment to the implementation of the settlement plan as the only framework plan accepted by Morocco and the Frente POLISARIO and the only plan that conformed to the Declaration on the Granting of Independence to Colonial Countries and Peoples.

22. Algeria was not a party to the conflict over the decolonization of Western Sahara and it was for the international community to find a peaceful solution in accordance with international law. Moreover, in resolution 1359 (2001) the Security Council did not take note of or support the Secretary-General's report (S/2001/613) and the annexed draft Framework Agreement on the Status of Western Sahara which, in the view of Algeria and other delegations, did not respect the aforementioned Declaration on decolonization and was not a basis for discussion to resolve the conflict. Moreover, the Security Council expected Morocco to give more determined cooperation with a view to a conclusive settlement of the issue.

23. **Mr. Loulichki** (Morocco), speaking in exercise of the right of reply, said that he wished to clarify a number of points. Whereas the delegation of Algeria had claimed that Morocco had occupied the Territory of Western Sahara in 1975, in fact Morocco had entered that Territory in 1975 under an agreement sanctioning negotiations between Morocco and Spain and duly registered with the United Nations Secretariat. It was not therefore an occupying Power.

24. The settlement plan was not the only agreement on the table. Within the past four months the Special Envoy of the Secretary-General had submitted the draft Framework Agreement on the Status of Western Sahara to the Security Council with a view to exploring an alternative to the blocked settlement plan. The implementation of the latter was extremely difficult because of problems among the parties to it; although Algeria had declared that it was not a party, its delegation's statement had belied that claim.

25. Morocco had been demonstrating its willingness to cooperate for more than 10 years. When it had become apparent that there were insurmountable difficulties to the implementation of the settlement plan, Morocco had accepted the alternative solution set out in the draft Framework Agreement.

26. **Mr. Benmehidi** (Algeria), speaking in exercise of the right of reply, said that the definitive solution

contained in the settlement plan of 1991 had permitted the identification of the Saharans who should take part in the referendum, the pre-registration of Saharan refugees who would be returning to Western Sahara and the continued maintenance of the 1994 ceasefire between the Moroccan and Frente POLISARIO forces. Notable progress had been made up to the early months of 2000. The implementation of the plan had subsequently been blocked by a deluge of recourse procedures, putting a stop to the work of the Identification Commission.

27. Referring to the 1975 agreement on the Moroccan presence in Western Sahara, he said that it had neither been published nor been recognized by any international body. Both the Security Council and the General Assembly had always called for the withdrawal of Moroccan forces from the Territory; moreover, the General Assembly had for many years been adopting an annual resolution on the holding of a referendum on self-determination for the Saharan people. Algeria had always supported the cause of the latter, in a spirit of peace and fraternity, as it had supported that of other peoples fighting for the right to self-determination in Africa.

The meeting rose at 4.15 p.m.